Remarks

In view of the above amendments and the following remarks, reconsideration of this application is respectfully requested.

Status of All of the Claims

Below is the status of the claims in this application.

1. Claim(s) 1, 3-9, 12-19 are pending and under consideration.

2. Claim(s) 2, 10 and 11 have been cancelled.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3-7, 12-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas U.S. Patent No. 6,090,128 in view of Gregory U.S. Patent No. 5,990,379. This rejection is respectfully traversed.

The Douglas and Gregory references, when combined, fail to teach or suggest all of the claim limitations for any of claims 1, 3-7, 12-16 and 19, and therefore a prima facie case of obviousness does not exist on the basis of this combination of references.

Claim 1 requires that the second portion of the sleeve be folded back over the proximal end of the at least one stent and then along an outside surface of the at lest one stent to the

distal end of the at least one stent. The tubular member 32 in Douglas extends to the distal end of first stent 42. Thus, to the extent that Douglas teaches this limitation, "the distal end of the at least one stent" in Douglas necessarily occurs at element 40. (We believe this to be what the examiner is saying.) The problem with this application of the Douglas reference, however, is that claim 1 additionally requires that the distal end of the at least one stent (established as element 40 in Douglas) provide a distal, outflow end of the stent graft. To add further clarity to this point, claim 1 has been amended to provide that the stent graft device has a proximal, inflow end as a whole, and a distal, outflow end as a whole, and that the distal stent end provides the distal, outflow end as a whole. Further, claim 1 requires that blood can exit the stent graft device fro this distal, outflow end. In Douglas, the point marked by the Examiner as "distal end" in the drawing at page 2 of the Office Action does not provide a "distal, outflow end of the stent graft device as a whole", but rather is located at an intermediate point of the stent graft device. Further, blood does not exit the Douglas device at the point marked by the Examiner as "distal end" in the drawing at page 2 of the Office Action, but rather travels through a long length of the Douglas device thereafter prior to exiting the Douglas device, exiting at elements 44 and 46, as shown below.

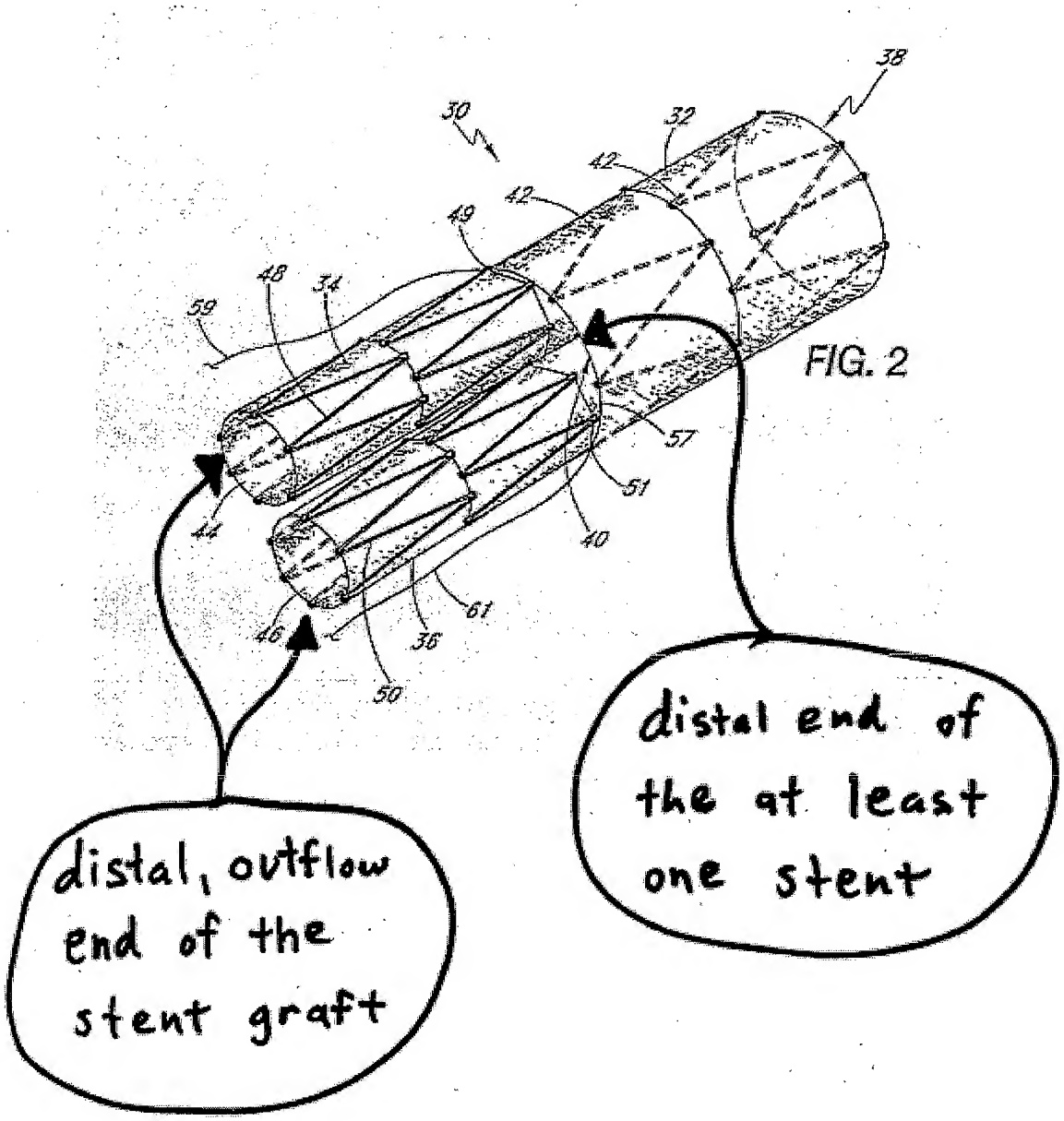


FIG. 2

To satisfy claim 1, Douglas (either as separately modified or when combined with the Gregory reference) would have to teach or suggest either (i) permitting blood to exit the stent graft at element 40; or (ii) securing the tubular member 32 to the

distal ends of second and third stents 48 and 50. Douglas clearly does not teach or suggest performing either of these modifications. In fact, such modifications are ones from which the Douglas reference squarely teaches away. Clearly, the intent of Douglas is not to have blood exit the stent graft at element 40, but instead for the blood to remain in the graft as it passes through element 40 and into the first and second limb members 34 and 36. As well, modifying the Douglas device to have the tubular member 32 extend to the distal ends of the first and second limb members 34 and 36 would render the bifurcated Douglas device inoperable for its intended purpose since there needs to be separation between the two limbs in order for the device to be properly implanted, for example, as shown in FIG. 7G. The Gregory reference can do nothing to change these basic-counter teachings of the Douglas reference.

For at least these reasons, the combination of Douglas and Gregory fails to render the combination of claim 1 obvious. Claims 7-9, being dependent upon claim 1, are patentably distinct from the applied combination for at least the same reasons. Accordingly, withdrawal of this rejection as applied to claims 1 and 7-9 is solicited.

Turning now to claim 3, it requires that there be a plurality of stents connected together to form a stent frame with lumens of the respective stents coaligned to form a common

continuous lumen extending from a distal stent frame end to a proximal stent frame end, and that the distal stent frame end provides a distal, outflow end of the stent graft as a whole through which blood flowing through the stent graft device can exit the stent graft device.

As noted above with respect to claim 1, it is clear that the distal, outflow end of the Douglas device—the end through which blood flow exits the device—does not occur at the "distal end" as marked by the Examiner in the Office Action, but rather occurs at the distal ends of second and third stents 48 and 50. Thus, in order to meet claim 3, the Douglas reference (either as separately modified or when combined with the Gregory reference) would have to teach or suggest having a plurality of stents connected together to form a stent frame with lumens of the respective stents coaligned to form a common continuous lumen extending from a distal stent frame end providing the distal, outflow end of the device to a proximal stent frame end providing the proximal, inflow end of the device. The Douglas reference clearly does not teach or suggest this limitation, and in fact, such a modification is one from which the Douglas reference squarely teaches away. Modifying the Douglas device to have a plurality of stents with lumens of the respective stents coaligned to form a common continuous lumen extending from a proximal stent frame end to the distal, outflow end of

the device would make the Douglas device a non-bifurcated device, and thus render it inoperable for its intended purpose. Accordingly, claim 3 and claims 4-6 dependent thereon are also patentably distinct from the applied reference combination.

Turning now to claim 12, this claim requires that the stent frame define only a single lumen extending from a first end of the stent graft device to a second end of the stent graft device, and that the stent frame be provided by a single stent or by a plurality of stents connected together with lumens of the respective stents coaligned to form a common continuous lumen. Additional requirements of claim 12 are that the first portion and the second portion of the sleeve be secured to at least the distal stent frame end of the stent frame, and that the distal stent frame end provides the distal, outflow end of the stent frame device. For at least the reasons noted above, the cited combination of references teach or suggest all of the claim limitations for claim 12. Claim 12 and claims 13-16 dependent thereon are thus patentably distinct from the reference combination for at least these reasons.

In summary, the proposed combination of Douglas and Gregory does not render any of claims 1, 3-7, 12-16 and 19 obvious. Withdrawal of this rejection is therefore solicited.

Claims 8, 9, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas '128 in view of Gregory '379 and further in view of Buirge et al. U.S. Patent No. 5,693,085.

Buirge et al. do not fill the voids in teaching discussed above with respect to the Douglas and Gregory references. In fact, Buirge et al., like Gregory, uses a central suture line to join the sleeve. For at least the reasons noted above, none of the cited references, as separately modified or when combined, teach or suggest all of the claim limitations for any of claims 8, 9, 17 and 18 as currently amended. Withdrawal of this rejection is therefore solicited.

Conclusion

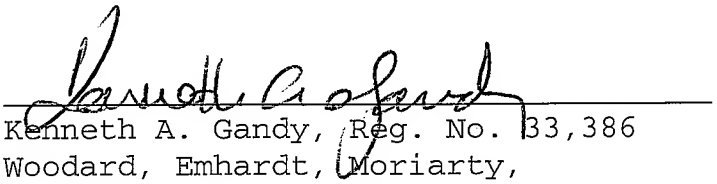
Amendments to the claims have been presented in order to expedite the prosecution of this application, and without prejudice or admission in respect of the previously claimed subject matter or remarks in the Action. In summary, the combination of references fails to render the combined elements of the claims obvious under 35 U.S.C. 103. Withdrawal of the rejection and allowance of this application are therefore solicited.

Request for Interview

The Applicant requests an opportunity for an interview of the Examiner if the Examiner believes that any objection or rejection could be maintained against the application as

amended. The Examiner is requested to contact the undersigned attorney to arrange any such interview necessary.

Respectfully submitted,

By 

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